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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

“LILY,” “SARAH,” “SOLOMON,”
WILLIAM L.E. DUSSAULT, Guardian Ad
Litem for “VIOLET”, a minor, JANE DOE as
next friend for “PIA, a minor, “ANDY,” and
“JENNY,”

Plaintiffs,

v.

JAN ROUVEN FUECHTENER,

Defendant.

Case No: 2:19-cv-00352-RFB-EJY

**DECLARATION OF JOHN A. KAWAI
IN SUPPORT OF PLAINTIFFS’
MOTION TO APPROVE MINOR
SETTLEMENTS**

Judge: Honorable Richard F. Boulware II
United States District Court Judge

DECLARATION

I, John A. Kawai, hereby declare as follows:

- 1 1. I am over the age of eighteen, and an attorney at law who is licensed to practice before Courts in
2 the States of California, Washington, and Nevada. I am a trial lawyer at TRIAL LAWYERS FOR
3 JUSTICE (“TL4J”), attorneys of record for Plaintiffs.
4
- 5 2. This Declaration is submitted in support of Plaintiff’s counsel’s attorney’s fees and
6 reimbursement of costs for the representation of the plaintiffs in this action.
- 7 3. If called to testify at the hearing on this motion, I could and would competently testify to the
8 following based upon my own personal knowledge.
- 9 4. I have worked extensively on this case as local counsel and co-counsel to Carol L. Hepburn and
10 Deborah A. Bianco, and have been involved at every stage of the civil proceedings. TL4J handles
11 personal injury and wrongful death cases for Plaintiffs across the nation on a contingency basis.
12 This is 99% of our practice. We would typically agree to a 40% contingency fee for a case of this
13 nature, but have taken this case with a 33 1/3% contingency. Absent such contingency fee
14 agreements, we would be forced to limit our practice to cases that are less novel and cheaper to
15 prosecute. Our clients, who typically cannot afford to pay substantial legal fees, would not have
16 us to help them balance the playing field against wealthy bad actors with disproportionately vast
17 financial resources.
18
- 19 5. The fees in this case are reasonable based on the number of hours invested by the attorneys in
20 working up the case and preparing it for trial, as well as the unique experience and knowledge the
21 particular trial attorneys involved in this case brought to bear. An exceedingly small number of
22 attorneys in the nation (on the order of magnitude of 10!) handle the types of claims involved in
23 this case, and my co-counsel Carol L. Hepburn and Deborah A. Bianco are preeminent among
24 them. I serve as local counsel for them in California and Nevada, and am unaware of any attorney
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1 in these states other than myself representing plaintiffs in such child sex abuse imagery civil
2 restitution cases.

- 3
4 6. The services undertaken in this lawsuit include but are not limited to verifying the facts
5 underlying the claim and Defendant's liability, collecting and collating all the evidence, including
6 court documents, marshalling evidence in HSI custody, any relevant medical records, meeting
7 with the clients and/or the family, and expert witnesses and consultants, preparing the pleadings
8 and filings, serving summons and subpoenas, investigating the assets of the defendant and
9 researching specific defense contentions, corresponding with and negotiating with opposing
10 counsel, contending with a Motion to Dismiss and two Motions for Summary Judgment, as well
11 as making arrangements for the post-settlement distribution of settlement proceeds sought to be
12 approved by means of this Motion.
13
- 14 7. There was considerable novelty and difficulty in the questions involved that required an
15 exceptional degree of skill to competently perform legal services in this case. All law firms
16 involved devoted considerable time and resources – including in the months prior to the filing of
17 the case– to addressing the liability challenges and collectability challenges in this case.
18 Additionally, litigation occurred in the criminal matter regarding the disposition of certain funds
19 from a trust of which Defendant was beneficiary that entailed novel issues of Nevada trust law
20 and prejudgment writs of attachment.
21
- 22 8. This matter was ultimately resolved pursuant to settlement negotiations between the parties,
23 finalized just before a Settlement Conference was scheduled to occur. In my opinion, this was an
24 excellent settlement relative to the risks inherent in the case and the defendant's ability to pay.
25
- 26 9. This result was in part a product of TL4J's and my experience, resources, and skill, and especially
27 the specific lawyers who worked on this matter. Our offices have handled numerous cases
28

1 involving physical and emotional injuries to children, and we have obtained seven- and eight-
2 figure jury verdicts, many purely noneconomic damages verdicts, throughout the nation including
3 the State of California. As mentioned before, I am unaware of another attorney in Nevada (or
4 California) who is representing plaintiffs in child sex abuse imagery cases involving the claims
5 made in this case. Taking on these cases meant that I have taken away time from other serious
6 personal injury cases that make up most of my firm's practice. The estimated time I have spent on
7 this case is in excess of 45 hours, inclusive of preparing this application, and does not include my
8 staff's time or my co-counsel's time or their staff.

10 10. My law firm under its old name Carpenter Zuckerman & Rowley advanced costs totaling
11 \$1,276.89 in this case for service of process, courier and investigation fees. My separate law firm,
12 John A. Kawai Law Offices, Inc. advanced electronic filing fees for the complaint and pro hac
13 vice petitions, a total of \$900.00.

15 I hereby declare under penalty of perjury under the laws of the United States of America that
16 the foregoing is true and correct to the best of my knowledge.

18 Executed this 1st day of October, 2021, at Ventura, California.

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JOHN A. KAWAI